

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BACCHIAZ, et al.

Confirmation No. 6624

Application No.: 09/764,729

Filed: January 17, 2001

Group Art Unit: 2612

Examiner: DANG, Hung Q.

Attorney Docket: 9300-1

Customer No.: 30448

For: BIOMETRIC KEY

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Applicants filed a Petition to Withdraw Application from Issue and Request for Continued Examination on March 2, 2006. Applicants received the enclosed decision on the Petition granting the Petition to Withdraw Application from Issue. Applicant has since received a new Notice of Allowance and Issue Fee Due by April 24, 2007. Although the Notice of Allowance dated January 24, 2007 does not indicate that the issue fee was previously paid, Applicants hereby request that the issue fee paid on October 6, 2005 in the above-identified application be applied towards the new Notice of Allowance. The Commissioner is hereby authorized to charge any deficiency in payment to Deposit Account No. 50-0951.

Also, Applicants wish to note that the Notice of Allowability contained an error. Claim 62 is indicated to be allowed, but it was previously cancelled in the amendment filed December 19, 2006. Applicants respectfully request that this error be made of record.

Respectfully submitted,

Date: 2-21-07


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OFFICE OF PETITIONS

In re Application of :
John David Bacchiaz et al :
Application No. 09/764,729 :
Filed: January 17, 2001 :
Attorney Docket No. 9300-1 :

ON PETITION

This is a decision on the petition filed, March 2, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 6, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2635 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form (PTOL-851b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).